

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 12

February 4, 1999, 3:45 p.m.
Page S-1209 Temp. Record

CLINTON IMPEACHMENT/Presentation of Videotaped Evidence

SUBJECT: Impeachment trial of William Jefferson Clinton for perjury and obstruction of justice. Division III of the House Managers motion for the admission of evidence, the appearance of witnesses, and the presentation of evidence.

ACTION: MOTION AGREED TO, 62-38

SYNOPSIS: On December 19, 1998, the House of Representatives impeached (indicted) President Clinton for perjury and obstruction of justice based on his actions and statements in relation to a Federal civil rights sexual harassment lawsuit that was filed against him by a former employee, Paula Corbin Jones. Ms. Jones alleged that in 1991, when she was an Arkansas State employee, then-Arkansas Governor Clinton exposed himself to her in a crude sexual advance which she refused, and that she subsequently and consequently suffered numerous adverse employment actions and was defamed. During the discovery phase of the lawsuit, the presiding judge ordered President Clinton to answer under oath certain questions posed by Ms. Jones' attorneys regarding any history he had of involvement in sexual relationships with State or Federal employees (such lines of questioning in sexual harassment lawsuits are a common means of establishing whether patterns of similar sexual harassment exist, including patterns of reward and punishment based upon the responses of subordinate employees to sexual advances). Those questions, which were posed in January, 1998, included questions regarding his relationship with a former White House intern, Monica Lewinsky (President Clinton had met Ms. Lewinsky and had begun a relationship with her when she was an intern). Later, in August, 1998, Ms. Lewinsky testified before a Federal grand jury, under a grant of immunity, regarding an affidavit she had filed in the *Jones* case. She gave detailed testimony and provided extensive corroborating physical evidence of a sexual relationship with the President. The President also testified before that grand jury in August. His testimony concerned his relationship with Ms. Lewinsky, his testimony before the Federal court in the sexual harassment lawsuit, and actions he took and statements he made before and after testifying in that lawsuit. The House impeachment of the President for obstruction of justice is based on numerous charges that he illegally tried to conceal the nature of his relationship with Ms. Lewinsky from the Federal court and the grand jury,

(See other side)

YEAS (62)			NAYS (38)			NOT VOTING (0)	
Republicans (53 or 96%)	Democrats (9 or 20%)		Republicans (2 or 4%)	Democrats (36 or 80%)		Republicans (0)	Democrats (0)
Abraham	Helms	Breaux	Jeffords	Akaka	Kennedy		
Allard	Hutchinson	Bryan	Snowe	Baucus	Kerrey		
Ashcroft	Hutchison	Byrd		Bayh	Kerry		
Bennett	Inhofe	Feingold		Biden	Kohl		
Bond	Kyl	Hollings		Bingaman	Landrieu		
Brownback	Lott	Lieberman		Boxer	Lautenberg		
Bunning	Lugar	Moynihan		Cleland	Leahy		
Burns	Mack	Wellstone		Conrad	Levin		
Campbell	McCain	Wyden		Daschle	Lincoln		
Chafee	McConnell			Dodd	Mikulski		
Cochran	Murkowski			Dorgan	Murray		
Collins	Nickles			Durbin	Reed		
Coverdell	Roberts			Edwards	Reid		
Craig	Roth			Feinstein	Robb		
Crapo	Santorum			Graham	Rockefeller		
DeWine	Sessions			Harkin	Sarbanes		
Domenici	Shelby			Inouye	Schumer		
Enzi	Smith, Bob			Johnson	Torricelli		
Fitzgerald	Smith, Gordon						
Frist	Specter						
Gorton	Stevens						
Gramm	Thomas						
Grams	Thompson						
Grassley	Thurmond						
Gregg	Voinovich						
Hagel	Warner						
Hatch							

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

and its impeachment of him for perjury is based on charges of numerous perjurious statements in his grand jury testimony, including charges of perjury regarding his relationship with Ms. Lewinsky and his efforts to obstruct justice in the sexual harassment case against him.

Division III of the House Managers motion would allow the parties to present before the Senate, for a period of time not to exceed 6 hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal admitted into evidence (see vote Nos. 5 and 8). Additionally, the House Managers would be permitted to reserve a portion of their presentation time.

NOTE: Manager McCollum offered a motion on behalf of the House Managers for the admission of evidence, the appearance of witnesses, and the presentation of evidence. Immediately after the motion was offered Senator Lott moved to divide the motion into its three constituent parts. The Senate first voted on the first two divisions and on a proposed substitute for the third division (see vote Nos. 9-11).

Arguments by the House Managers:

The videotapes have been admitted into the record as evidence, which makes clear that Senators may appropriately consider the substantial new evidence they contain, as well as their impressions of the credibility of the witnesses, in their deliberations on the articles. It does not mean that any of that evidence will ever be available to the public. In fact, S. Res. 30 as agreed to earlier (see vote No. 8) requires that videotaped testimony to remain confidential, or secret, unless a motion is accepted that allows it to be presented. Thus, any Senator who votes against this motion will be voting for the proposition that it is appropriate for the Senate to base its decision on an impeachment vote of the President, at least in part, on secret evidence that the American people are never allowed to see.

We understand that many Senators, for various reasons, are eager for this trial to come to a quick end. However, they should not allow that desire to interfere with their responsibility to allow a full and fair presentation of the facts. Sadly, we believe that they have already done so. At least 15 witnesses should have been deposed and called, but the Senate would only allow three witnesses to be deposed and has refused to allow any witnesses to appear before the Senate. Now, with this motion, we are asking that Senators at least allow us to present the videotapes of the three depositions that they permitted. Those depositions, which even the President's lawyers have conceded were useful, have given Senators the only view they have had of the witnesses themselves.

All three witnesses gave compelling testimony that confirm the charges that the President is guilty of perjury and obstruction of justice in a Federal civil rights case. At an absolute minimum the American people have a right to see that videotaped testimony, and the House Managers need and deserve the opportunity to present it and to highlight the key points that demonstrate the President's guilt. Monica Lewinsky, though an obviously reluctant witness, confirmed numerous key facts that prove that the President is guilty on both articles of impeachment (see vote No. 10 for details). Sidney Blumenthal, who was an aide to the President, confirmed that the President made false statements to him regarding his relationship with Ms. Lewinsky, and he confirmed that the President never told him the truth even after he was called to testify. The President, in contrast, testified under oath that he knew his aides would probably be called to testify to the grand jury so he made sure that he told the truth to them. The President's lawyers, in looking at this and dozens of other clear conflicts in testimony, have said that the President's words under oath were "unfortunate," "misleading," and even "maddening." Mr. Blumenthal did not use those euphemisms—he said that the President lied to him. His statements in that regard were very straightforward. The House Managers have a right to present that evidence, and the American people should have the opportunity to see the videotape to judge for themselves whether Mr. Blumenthal is telling the truth. It is not right to insist that they may only listen to lawyers talk about what Mr. Blumenthal said. The third witness' testimony, Mr. Jordan, provided relevant and new information in several areas. For instance, he testified that there "was no question" that the job search that was conducted for Ms. Lewinsky was at the President's request. He also testified that when he first started the job search the President did not tell him that Ms. Lewinsky was on the witness list for the *Jones* case. He further said that it would have been "helpful" if the President had let him know he was being asked to do a huge favor for a material witness in a civil suit against the President, and that he would have expected the President to inform him of that fact. He also made clear that he kept the President closely informed of both his efforts to find Ms. Lewinsky a job and of progress being made by her lawyer in the drafting of her affidavit. He partially confirmed Ms. Lewinsky's testimony regarding a breakfast meeting he had had with her. In previous testimony, he had said he had no recollection of such a meeting, but during this deposition, when he was shown receipts for the breakfast, he said his memory was refreshed and he confirmed that he was certain that they had discussed notes between her and the President (though he denied that he made any suggestion, as Ms. Lewinsky testified, that she should get rid of those notes). Mr. Jordan's testimony clearly shows that the President was contemporaneously very interested both in the false affidavit being prepared for Ms. Lewinsky to sign, and in the progress of the job search effort he had initiated on her behalf. The testimony is compelling, the House Managers should have an opportunity to present it, and the American people have a right to view it.

Arguments by lawyers for the President:

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Senate Resolution 30, which was agreed to earlier, provides that it is in order for the Senate to vote on whether or not all or portions of the videotaped evidence may be presented. We are convinced that the Senate should vote against allowing that presentation because no new information would be provided. The only result would be further delay. Members have been very conscientious over the past 4 days in making sure they watch the videotapes. They have seen them in their entirety; nothing would be gained from watching them dissected and presented by each side, with each side picking the little bits of videotape that supported its case. Such a dual of snippets and excerpts would be useless and misleading. If the testimony must be watched, it should be watched in its entirety. Everyone is aware by this time that there are no bombshells in the testimony, so if we or the House Managers believe any of it needs to be presented, the transcripts can be used to the same effect. Further, we think that the appropriate time for the House Managers to present this evidence is in their closing arguments. In fact, agreeing to this motion is going to result in their being able to present the evidence both on Saturday and again in their summation. We cannot see any value in any of this process, unless the House Managers are trying to stall the completion of the trial on the slim hope that some new damning evidence will suddenly emerge. Obviously, we do not support any such stalling tactics.